IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 7TH JUNE 2006 / 17TH JYAISHTA, 1928

WP(C).No. 34055 of 2006(D)

PETITIONER:

K.GEORGE JACOB, AGED 57 YEARS,
S/O.K.T.JACOB, HIGH SCHOOL ASSISTANT (RETD),
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
PERUMBAVOOR (RESIDING AT KUNNATHU HOUSE,
P.O.PONJASSERY, PERUMBAVOOR-683 547).

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE ACCOUNTANT GENERAL (A & E),
KERALA, TRIVANDRUM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
KAKKANAD, ERNAKULAM DISTRICT.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF GOVT. ORDER DT. 9/8/99

.EXT.P2: TRUE COPY OF STATEMENT OF FIXATION DT. 1/9/99

EXT.P3: TRUE COPY OF AUDIT OBJECTION DT. 23/7/2001.

EXT.P4: TRUE COPY OF GOVT. ORDER DT. 28/3/2000.

EXT.P5: TRUE COPY OF ORDER DT. 9/8/2000.

EXT.P6: TRUE COPY OF ORDER DT. 31/3/2005.

EXT.P7: TRUE COPY OF ORDER DT. 2/2/2005 IN WP.3407/05.

EXT.P8: TRUE COPY OF REQUEST OF PETR. DT. 10/2/2006.

EXT.P9: TRUE COPY OF JUDGMENT IN WP.9443/2006. DT. ¾/2006.

EXT.P10: TRUE COPY OF GOVT.ORDER DT. 17/8/2006.

EXT.P11: TRUE COPY OF ARGUMENT NOTES DT. 6/6/2006.

EXT.P12: TRUE COPY FO JUDGMENT IN OP.7825/99.

EXT.P13: TRUE COPY OF JUDGMENT IN OP.30164/99.

A.K. Basheer, J.

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W.P(C) No. 34055 of 2006-D

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Dated this the 7th day of June, 2007.

J U D G M E N T

The issue involved in this writ petition is admittedly covered in favour of the petitioner in view of the common judgment in O.P.No.30164/1999 and connected cases. A copy of the said judgment is on record as Ext.P13. In the said judgment this Court had held that G.O (P).No.990/2000/Fin dated 27/6/2000 is legally valid and sustainable. However the direction by the Department to effect recovery of the amounts already disbursed to the petitioner reckoning aided school service was found to be illegal.

In view of the above facts and circumstances this writ petition is liable to be allowed. I do so. It is directed that the amount of Rs.50320/- fixed as the liability of the petitioner shall not be recovered from him. To that extent Ext.P6 is quashed.

A.K. Basheer
Judge.

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